

III. REMARKS

1. Claims 1-19 are pending.
2. Claims 1, 2, 4-7, 9-12 and 14-19 are patentable under 35 U.S.C. 103(a) over Wu (U.S. Pub. No. 2006/0165465) and Gartrell (US 2005/0130721). Claim 1 recites that the bendable elastomeric keymat comprises elastic properties and is configured so that an entirety of the bendable elastomeric keymat bends to force the lips into the plurality of indentations on the cover to attach the edges of the keymat to the cover and said indentations are located at edges of a recess for removably mounting said keymat, the cover also includes a plurality of apertures through which the plurality of pressure transmitters pass to activate the plurality of key switches and a plurality of locking parts extending from the cover adjacent the indentations that, along with the elastic properties of the keymat, force the lips of the keymat into the indentations.

The above-noted features of Applicant's claim 1 are not disclosed or suggested by Wu for the reasons described in Applicant's prior responses. In particular, as admitted by the Examiner, Wu fails to disclose that "the keymat is elastomeric, and is configured so that an entirety of the bendable elastomeric keymat bends and a plurality of locking parts extending from the cover adjacent the indentations that, along with the elastic properties of the keymat, force the lips of the keymat into the indentations." (Page 4 of the office action dated 03 June 2009).

The Examiner cites to Gartrell for remedying the above noted defect of Wu. However, Gartrell has been improperly cited as a reference under 35 USC 103(a). The Examiner is reminded that under 35 USC 103(c) subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 USC 102, shall not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

It is noted that the filing date of Gartrell is 12 December 2003 (e.g. less than one year prior to Applicant's filing date of 27 February 2004) and Gartrell was not published until 16 June 2005 (e.g. after Applicant's filing date). Moreover, Gartrell is commonly owned by and subject to assignment to Nokia Corporation (see the Gartrell assignment at reel/frame 014802/0527 recorded on 12 December 2003). Nokia Corporation is also the owner/assignee of the instant application. Thus, Gartrell is disqualified as prior art for purposes of the 35 USC 103(a) rejection under the provisions of 35 USC 103(c) because Gartrell only qualifies as prior art under one or more of subsections (e), (f), and (g) of 35 USC 102 and is commonly owned by/subject to assignment to the Applicant.

Because Gartrell is disqualified as prior art under 35 USC 103(c), Wu by itself does not disclose or suggest all of the features of Applicant's claim 1. Therefore, claim 1 is patentable at least because Wu fails to disclose or suggest that the bendable elastomeric keymat comprises elastic properties and is configured so that an entirety of the bendable elastomeric keymat bends to force the lips into the plurality of indentations on the cover to attach the edges of the keymat to the cover and said indentations are located at edges of a recess for removably mounting said keymat, the cover also includes a plurality of apertures through which the plurality of pressure transmitters pass to activate the plurality of key switches and a plurality of locking parts extending from the cover adjacent the indentations that, along with the elastic properties of the keymat, force the lips of the keymat into the indentations.

The above arguments apply equally to claims 6, 11 and 17. Thus, claims 6, 11 and 17 are also patentable over Wu and disqualified Gartrell. Claims 2, 4, 5, 7, 9, 10, 12, 14-16, 18 and 19 are patentable at least by reason of their respective dependencies.

3. Claims 3, 8, 13, 18 and 19 are patentable under 35 U.S.C. 103(a) over Wu and Kfoury et al., U.S. Pub. No. 2003/0119543 ("Kfoury") (it is noted that Gartrell is disqualified as a reference for the purposes of the 35 USC 103(a) rejection for the

reasons described above). Claims 3, 8, 13, 18 and 19 depend from claims 1, 6, 11 and 17, which are patentable over Wu for the reasons described above. It is submitted that because Wu does not disclose or suggest all the features of claims 1, 6, 11 and 17, that the combination of Wu and Kfoury cannot as well. It is noted that Kfoury merely discloses a rigid input module 200 with rails 416, 418 that are received in grooves 412, 414 when the input module 200 is slid into the cavity 402 (Para. 0032). Thus, claims 3, 8, 13, 18 and 19 are patentable at least by reason of their respective dependencies.

Moreover, Applicant's claim 3 recites the guiding pieces are arranged in direct connection to one or more of said plurality of lips. The Examiner acknowledges that Wu and disqualified Gartrell do not disclose this feature. However, it is asserted in the Office Action that Kfoury discloses this feature in Figures 4 and 5 and at paragraphs [0032]-[0033].

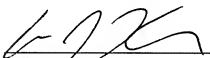
Figures 4 and 5 and paragraphs [0032]-[0033] of Kfoury disclose exactly the same thing as Wu in that the input module (200) of Kfoury has left and right rails (418, 416) which engage groove (414) when the input module is inserted into the cavity (402). Wu discloses in Fig. 4 that the key module (112) has two opposite side edges (113) for sliding engagement with opposing guide rails (114) formed in an inward rim (115) of the bay (111). When the opposite side edges (113) and opposing guide rails (114) of Wu are compared with the left and right rails (418, 416) and groove (414) of Kfoury it is clear that these features are identical. In both Wu and Kfoury the rails and grooves allow for the rigid input module (200) of Kfoury and the rigid key module (112) of Wu to be slid into the respective keycap bay (111) and cavity (402) from a side of the device and nothing more. There is absolutely no disclosure whatsoever that the opposite side edges (113) and opposing guide rails (114) of Wu or the left and right rails (418, 416) and groove (414) of Kfoury "are arranged in direct connection to one or more of said plurality of lips" as recited in Applicant's claim 3.

Therefore, claim 3 is patentable over the combination of Wu and Kfoury (it is noted that Gartrell is disqualified as a reference) because their combination does not disclose or suggest that the guiding pieces are arranged in direct connection to one or more of said plurality of lips as recited in Applicant's claim 3. Claims 8 and 13 are patentable over the combination of Wu and Kfoury for reasons that are substantially similar to those described above with respect to claim 3.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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